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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,207	11/19/2001	John A. Wishneusky	10559/534001/P12544	9729
20985	7590	06/21/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			ELLIS, RICHARD L	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/989,207	WISHNEUSKY, JOHN A.	
	Examiner	Art Unit	
	Richard Ellis	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-22 is/are allowed.
- 6) ☒ Claim(s) 1,4-10 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 11-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2001-11-19</u> . | 6) <input type="checkbox"/> Other: ____. |

1. Claims 1-25 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.
3. Claims 4-9 and 23-25 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - 3.1. The following terms lack proper antecedent basis:
 - 3.1.1. "the register" claim 4;
 - 3.1.2. "the stored register value" claims 5 and 9; and,
 - 3.1.3. "said previous instruction" claim 23.
 - 3.2. The scope of meaning of the following terms are unclear:
 - 3.2.1. "that indicates instructions may thereafter" claim 23; This portion of the claim, in context with the surrounding claim language, appears to be missing some words. It appears that the statement may have intended to have been written: --that indicates how many instructions may thereafter--.
 - 3.2.2. "instruction causes the causes the" claim 24; The phrase "causes the" is duplicated, and the duplication is not grammatically proper in context.
4. The following is a quotation of the appropriate paragraphs of 35 USC § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1 and 10 are rejected under 35 USC § 102(b) as being clearly anticipated by Yoichiro, Japanese Patent Publication 08-161169, published June 21, 1996.

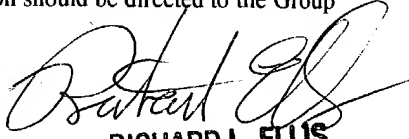
Yoichiro taught (e.g. see figs. 1-12) the invention as claimed (as per claim 1), including a data processing ("DP") system comprising:

 - 5.1. a programmable processing system (drawing 1) comprising;
 - 5.2. a first processor (14-1) for executing a first portion (drawing 2, 1) of an instruction

(drawing 2, VLIW, drawing 1, 12); and

- 5.3. a second processor (14-2 to 14-4) for executing a second portion (drawing 1, 2 to 4) of the instruction (drawing 2, VLIW, drawing 1, 12), wherein the second portion of the instruction is interpreted by the first processor as an extension to an immediate operand field included in the first portion of the instruction to define a larger immediate operand field (drawing 5, 331, A, B, detailed description p 0011, p 0014 last sentence, p 0042).
6. As to claim 10, it does not teach or define above the invention claimed in claim 1 and is therefore rejected under Yoichiro for the same reasons set fourth in the rejection of claim 1, supra.
7. Claims 2-3 and 11-16 are objected to as being dependent upon a rejected base claim, but would render the base claim allowable if bodily incorporated into the base claim such that the new base claim included all of the original limitations of the base claim, any intervening claims, and the objected claim.
8. Claims 23-25 would be allowable if rewritten or amended to overcome the rejection under 35 USC § 112.
9. Claims 4-9 would be allowable if rewritten to overcome the rejection under 35 USC § 112 and to include all of the limitations of the base claim and any intervening claims.
10. Claims 17-22 are allowable over the prior art of record.
11. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).
12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Richard Ellis whose telephone number is (703) 305-9690. The Examiner can normally be reached on Monday through Thursday from 7am to 5pm.
- If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eddie Chan, can be reached on (703) 305-9712. The fax phone number for the USPTO is: (703)872-9306.
- Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Richard Ellis
June 17, 2004


RICHARD L. ELLIS
PRIMARY EXAMINER